

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
D E P A R T M E N T O F H E A L T H

*Safe and Healthy Lives in Safe and Healthy Communities*

NOV 17 2000

BOARD OF MEDICAL LICENSURE AND  
DISCIPLINE

No. C98-218B

In the matter of:  
Judi B. Rosenthal, M.D.  
License #: MD7452

**Consent Order**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) a malpractice notification was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board"). This notification alleged Judi B. Rosenthal, M.D., Respondent, may have violated sections of §5-37-5.1. An investigation was conducted by Investigating Committee III, so called, of the Board.

The following constitutes the Investigating Committee's Findings of Fact with respect to the professional performance of the Respondent.

**Findings of Facts**

1. The Respondent, an obstetrician/gynecologist, with privileges at an area hospital undertook delivery of an infant by Cesarean section (C-section) due to the noted decreases in the fetal heart rate indicating possible fetal distress in a 27 week, pre-term pregnancy.

2. The C-section was undertaken with the assistance of another obstetrician who discussed the planned operative approach, suggesting a classical vertical incision, due to the early gestational age of the infant. Alternatively, the Respondent decided to perform a low transverse incision, and during the procedure, extensive bleeding was encountered, obscuring visualization of the uterus. The Respondent made another low transverse incision in the uterus and delivered the infant. In the nursery, a large laceration was noted on the right side of the infant's scalp extending through the skull.

3. The infant had poor respiratory effort and low Apgar scores of 4 at one minute and 4 at 5 minutes. The infant was then transferred to another hospital for emergency surgery to repair the laceration, which was found to extend through the infant's skull into the brain.

4. The Board finds that the Respondent is in violation of Rhode Island General Laws 5-37-5.1(19) for a failure to conform to the minimal standards of acceptable and prevailing medical practice by failing to adhere to proper obstetrical management of a patient.

5. The Respondent is no longer engaged in the practice of obstetrics and confines her practice to the area of gynecology.

**The parties agree as follows:**

The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. MD7452.

- (1) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
- (2) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (3) Respondent hereby acknowledges and waives:
  - a. The right to appear personally or by counsel or both before the Board;
  - b. The right to produce witnesses and evidence in her behalf at a hearing;
  - c. The right to cross examine witnesses;
  - d. The right to have subpoenas issued by the Board;
  - e. The right to further procedural steps except for specifically contained herein;
  - f. Any and all rights of appeal of this Consent Order;
  - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(4) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee votes in favor or finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

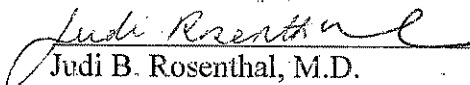
(5) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(6) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

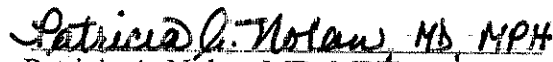
(7) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

- (8) The Respondent accepts the sanction of a Reprimand. The Respondent shall not engage in the practice of obstetrics without the prior written consent of the Board.
- (9) Payment of an administrative fee of \$500 shall be made within 6 months of ratification of this order.

Signed this 16<sup>th</sup> day of November, 2000.

  
Judi B. Rosenthal, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on Dec. 13, 2000.

  
Patricia A. Nolan, MD, MPH  
Director of Health  
Chairperson  
Board of Medical Licensure and  
Discipline